

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.18154 of 2006

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Dated:01.09.2006

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**Between:**

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Bommagani Sailu.

...Petitioners

and

The Revenue Divisional Officer, Bhongir Mandal, Nalgonda District,  
and others.

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.18154 of 2006

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**ORDER:**

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The petitioner filed the instant Writ Petition seeking a writ of mandamus declaring the action of respondents 1 and 2 in interfering in the civil dispute in respect of the land in Survey No.108/D admeasuring Acs.3.34 guntas situated at Singaram Pathi Veledi Village of Mothukur Mandal in Nalgonda District, as illegal and arbitrary, and for a consequential direction to the respondents not to dispossess him.

The petitioner filed O.S.No.111 of 1998 on the file of the Court of the Junior Civil Judge, Ramannapet, for declaration of title and for perpetual injunction in respect of the property in Survey No.108/D admeasuring Acs.3.34 guntas. The property originally belonged to one Ponnala Peda Anthamma (the third respondent herein), who allegedly sold the same to Balagoni Pullaiah under an unregistered document. Balagoni Pullaiah, who is the brother of Bommagani Anthamma, brought up the petitioner and he died issueless. Allegedly for this reason, the petitioner continued in possession and enjoyment of the land, and therefore, he filed the suit for declaration of title. The suit was dismissed on 30.06.2006 and the petitioner filed A.S.No.10 of 2006 on the file of the Court of the Senior Civil Judge, Bhongir. He

also filed I.A.No.620 of 2006 where A.S.No.10 of 2006 is pending for injunction, but no orders are passed. The petitioner alleges that respondents 3 to 7 approached the first respondent for delivery of possession and respondents 1 and 2 are likely to dispossess the petitioner. Therefore, the present Writ Petition is filed.

After hearing the learned Counsel for the petitioner, this Court is not able to comprehend as to how this Writ Petition is maintainable when the petitioner's appeal, being A.S.No.10 of 2006, and I.A.No.620 of 2006 for injunction are pending on the file of the Court of the Senior Civil Judge, Bhongir. When a person has approached the civil Court for redressal, a Writ Petition for the same relief or relief akin to the suit relief cannot be entertained. Secondly, admittedly the appellate Court did not pass any orders in I.A.No.620 of 2006 as the respondents therein filed a caveat petition. Even if the trial Court has granted injunction under I.A.No.491 of 1998 dated 26.10.1998 as contended by the learned Counsel for the petitioner, the moment the suit is dismissed, the injunction would cease to operate. On that ground, the petitioner cannot claim any relief in the Writ Petition.

The Writ Petition is misconceived and is accordingly dismissed.  
No costs.

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(V.V.S.RAO, J)

01.09.2006  
vs